

Article - Environment

[\[Previous\]](#)[\[Next\]](#)

§1–304.

(a) (1) Except as provided in paragraph (2) of this subsection, the following persons shall reimburse a county for the reasonable costs incurred by the county in conducting environmental health monitoring or testing, including the cost of collecting and analyzing soil samples, surface water samples, or groundwater samples for the purpose of assessing the effect on public health and the environment of the person's release of a hazardous substance, discharge of oil, or discharge of a pollutant in the waters of the State:

(i) A responsible person as defined under Title 7, Subtitle 2 of this article;

(ii) A person responsible for the discharge as defined under Title 4, Subtitle 4 of this article; or

(iii) A person responsible for the discharge of a pollutant into the waters of the State in violation of § 9–322 or § 9–323 of this article.

(2) A person may not be required to reimburse a county for costs under paragraph (1) of this subsection if the person has entered into a consent order with the Department.

(b) Costs incurred by a county for environmental health monitoring or testing under activities that are duplicative of State activities, or are not reasonably necessary to protect human health or the environment, are not eligible for reimbursement under subsection (a) of this section.

(c) A county may recover costs that are reimbursable under subsection (a) of this section in a civil action.

(d) If a county determines that it would be more efficient to combine the county's claim for reimbursement under subsection (a) of this section with a pending claim by the Department, the Department shall, on request by the county, seek to recover reimbursable costs on behalf of the county.

(e) The Department may adopt regulations to carry out the provisions of this section.

[\[Previous\]](#)[\[Next\]](#)